



1401 H Street NW  
Suite 600  
Washington DC  
20005-2164

Tel (202) 326-7300  
Fax (202) 326-7333  
www.usta.org

August 11, 2003

**SUMMARY OF  
*EX PARTE* PRESENTATION**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWA325  
Washington, DC 20554

**Re: Ex Parte Presentation CC Docket No. 95-116**

Dear Ms. Dortch:

On August 8, 2003, the undersigned and Lawrence E. Sarjeant, United States Telecom Association (USTA), met with Cheryl Callahan, and Pam Slipakoff of the Federal Communications Commission's (FCC) Wireline Competition Bureau. The purpose of the meeting was to discuss local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's (CTIA) Petitions' for Declaratory Ruling (Petitions').<sup>1</sup>

Consistent with its prior filings in these proceedings, USTA articulated its concerns in relation to CTIA's Petitions'. USTA expressed its position that the impacts of inter-modal number portability upon wireline carriers be fully considered by the FCC as it implements wireless LNP. Permitting wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas, which in some instances would cross state boundaries, impairs the ability of incumbent local exchange carriers (ILECs) to rate toll calls. Requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Changes in the scope of ILEC porting obligations cannot be lawfully done outside of a rulemaking proceeding that takes into account rate structures imposed upon ILECs by state regulators. Unless and until ILEC number porting obligations are changed in an appropriate rulemaking proceeding, wireless service providers should have a physical presence within the ILEC rate center in order for numbers to be ported, as is the case today for CLECs requesting LNP.

---

<sup>1</sup> See Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, filed May 13, 2003.

Ms. Marlene Dortch

August 11, 2003

Page 2 of 2

Finally, USTA conveyed that ILEC's should retain the right to require an interconnection agreement in order to accommodate number portability with a wireless provider. By allowing an incumbent LEC to select the use of an interconnection agreement, the FCC will continue to ensure that proper routing, call completion, and service quality standards are sustained.

In accordance with Section 1.1206(b)(2) of the FCC's rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael T. McMenamin", is written over a horizontal line.

Michael T. McMenamin  
Associate Counsel

cc: Cheryl Callahan  
Pam Slipakoff